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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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DOCKETED

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DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

DEC 13 2016

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE OF
THE UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A JUST
AND REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND PURCHASED
POWER PROCUREMENT AUDITS FOR ARIZONA
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

PROCEDURAL ORDER

BY THE COMMISSION:

On June 1, 2016, Arizona Public Service Company (“APS” or “Company”) filed with the Arizona Corporation Commission (“Commission”) the above-captioned Rate Case Application.

Parties to this docket are APS, the Commission’s Utilities Division (“Staff”), Richard Gayer; Patricia Ferré; Warren Woodward; IO Data Centers, LLC (“IO”); Freeport Minerals Corporation (“Freeport”); Arizonans for Electric Choice and Competition (“AECC”); Sun City Home Owners Association (“Sun City HOA”); Western Resource Advocates (“WRA”); Arizona Investment Council (“AIC”); Arizona Utility Ratepayer Alliance (“AURA”); Property Owners and Residents Association, Sun City West (“PORA”); Arizona Solar Energy Industries Association (“AriSEIA”); Arizona School Boards Association (“ASBA”) and Arizona Association of School Business Officials (“AASBO”) (collectively “ASBA/AASBO”); Cynthia Zwick; Arizona Community Action Association (“ACAA”); Southwest Energy Efficiency Project (“SWEEP”); the Residential Utility Consumer Office (“RUCO”); Vote Solar; Electrical District Number Eight and McMullen Valley Water Conservation & Drainage District (collectively, “ED8/McMullen”); The Kroger Co. (“Kroger”); Tucson Electric Power Company (“TEP”); Pima County; Solar Energy Industries Association (“SEIA”); the Energy Freedom

1 Coalition of America ("EFCA"); Wal-Mart Stores, Inc. and Sam's West, Inc. (collectively,
2 "Walmart"); Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-
3 CIO (collectively, "the IBEW Locals"); Noble Americas Energy Solutions LLC ("Noble Solutions");
4 the Arizona Competitive Power Alliance ("the Alliance"); Electrical District Number Six, Pinal
5 County, Arizona ("ED 6"), Electrical District Number Seven of the County of Maricopa, State of
6 Arizona ("ED7"), Aguila Irrigation District ("AID"), Tonopah Irrigation District ("TID"), Harquahala
7 Valley Power District ("HVPD"), and Maricopa County Municipal Water Conservation District
8 Number One ("MWD") (collectively, "Districts"); the Federal Executive Agencies ("FEA");
9 Constellation New Energy, Inc. ("CNE"); Direct Energy, Inc. ("Direct Energy"); AARP; Sunrun Inc.
10 ("Sunrun"); the City of Coolidge ("Coolidge"); REP America d/b/a ConservAmerica
11 ("ConservAmerica"); and Granite Creek Power & Gas and Granite Creek Farms LLC (collectively,
12 "Granite Creek").

13 On June 14, 2016, APS filed a Notice of Errata.

14 On June 17, 2016, ACAA filed a Consent to Email Service.

15 On June 23, 2016, APS filed its Second Notice of Errata.

16 On June 24, 2016, APS filed a copy of the notice it provided to parties of record of the Rate
17 Case Technical Conferences scheduled for July 20, 2016, August 23, 2016, September 29, 2016, and
18 October 26, 2016.

19 On July 1, 2016, the Commission's Utilities Division ("Staff") issued a Letter of Sufficiency
20 pursuant to Arizona Administrative Code ("A.A.C.") R14-2-103, classifying APS as a Class A utility.

21 On July 5, 2016, Kroger filed a Consent to Email Service.

22 On July 21, 2016, APS filed a copy of the presentation from its first Rate Case Technical
23 Conference.

24 On July 22, 2016, a Rate Case Procedural Order was issued setting the procedural schedule and
25 associated procedural deadlines for this matter, granting several interventions, and granting several
26 requests to receive service by email.

27 On August 1, 2016, a Procedural Order was issued granting Staff's request to consolidate the
28

1 above-captioned dockets,¹ correcting typographical errors in the July 22, 2016 Rate Case Procedural
2 Order, granting interventions, and granting requests to receive service by email.

3 On August 5, 2016, APS filed a Motion for Clarification and Extension of Time.

4 On August 9, 2016, a Procedural Order was issued granting APS's Motion for Clarification and
5 Extension of Time. The Procedural Order also granted several interventions and approved a consent
6 to email service.

7 On August 24, 2016, APS filed a copy of the presentation from its second Rate Case Technical
8 Conference.

9 On August 25, 2016, Correspondence from Commissioner Bob Burns was filed in the docket.

10 On September 6, 2016, Mr. Woodward filed two sets of comments.

11 On September 9, 2016, APS filed correspondence regarding subpoenas dated August 25, 2016.

12 On September 9, 2016, APS filed a Motion to Sever.

13 On September 9, 2016, APS filed a Motion to Quash, or in the Alternative, to Decline to Hear.

14 On September 12, 2016, APS filed correspondence regarding subpoenas dated August 25, 2016.

15 On September 13, 2016, APS filed an Affidavit of Publication and Proof of Mailing.

16 On September 13, 2016, Correspondence from Commissioner Bob Burns was filed in the
17 docket.

18 On September 30, 2016, APS filed a copy of the presentation from its third Rate Case Technical
19 Conference.

20 On October 3, 2016, EFCA filed a Notice of Deposition of Barbara D. Lockwood.

21 On October 6, 2016, APS filed a Motion for Procedural Conference and Interim Protective
22 Order.

23 On October 12, 2016, EFCA filed its Response to Motion for Procedural Conference and
24 Interim Protective Order.

25 On October 13, 2016, Mr. Woodward filed comments.

26 On October 14, 2016, Mr. Woodward filed a Response to Chairman Little's October 4, 2016
27

28 ¹ Docket No. E-01345A-16-0123 was opened on April 11, 2016.

1 Memorandum and Call for Recusal.

2 On October 14, 2016, a Procedural Order was issued granting APS's request for an interim
3 protective order regarding EFCA's October 3, 2016 Notice of Deposition, and setting a procedural
4 conference to be held on October 20, 2016 for the purpose of discussing discovery issues, including
5 but not limited to the deposition of APS witness Barbara D. Lockwood.

6 On October 17, 2016, APS filed a Consent to Email Service.

7 On October 18, 2016, APS filed its Reply in Support of Motion for Procedural Conference and
8 Interim Protective Order.

9 On October 18, 2016, Correspondence from Chairman Doug Little was filed in the docket.

10 On October 19, 2016, FEA and Vote Solar each filed a Consent to Email Service.

11 On October 19, 2016, AURA filed its Response in Support of the Notice of Deposition.

12 On October 20, 2016, a procedural conference was held as scheduled by the Procedural Order
13 issued October 14, 2016. APS, EFCA, TEP, Walmart, Freeport Minerals, AECC, Noble Solutions,
14 CNE, Direct Energy, PORA, the Alliance, RUCO, and Staff appeared at the procedural conference
15 through counsel or lay representative. During the procedural conference, APS, Noble Solutions, CNE,
16 Direct Energy, EFCA, and Staff provided comments and arguments regarding discovery issues, and
17 the matter was taken under advisement.

18 On October 21, 2016, a Procedural Order was issued granting intervention to AARP, admitting
19 counsel for AARP *pro hac vice* in this matter, and rescheduling the date of the pre-hearing conference
20 in this matter to March 13, 2017.

21 On October 26, 2016, Mr. Woodward filed his Reply to Chairman Little's October 18, 2016
22 Memorandum and Call for Recusal.

23 On November 4, 2016, EFCA filed a Supplemental Statement of Authority.

24 On November 4, 2016, APS filed a copy of the presentation from its fourth Rate Case Technical
25 Conference.

26 On November 9, 2016, APS filed a Response to EFCA's Supplemental Statement of Authority.

27 On November 15, 2016, Mr. Woodward filed comments.

28 On November 15, 2016, Sunrun filed a Consent to Email Service.

1 On November 17, 2016, a Procedural Order was issued granting intervention to AARP, Sedona,
2 and ASDA, granting requests for Service by Email, and setting procedural deadlines regarding the
3 deposition of APS witness Barbara Lockwood.

4 On November 18, 2016, Granite Creek filed a Notice of Change of Address.

5 On November 18, 2016, APS docketed a letter addressed to the Commissioners to which was
6 attached a copy of materials from the presentation from its third Rate Case Technical Conference.

7 On November 21, 2016, APS docketed a copy of the presentation from its rate case Cost of
8 Service Model Technical Session.

9 On November 23, a Procedural Order was issued granting intervention to Sunrun, Coolidge,
10 ConservAmerica, and Granite Creek.

11 On November 28, 2016, Ms. Ferré filed a Consent to Email Service.

12 On November 30, 2016, EFCA filed a Notice of Deposition of Barbara D. Lockwood. The
13 Notice indicated that EFCA and APS settled upon the date and time of the deposition, which will take
14 place on December 15, 2016, at 9:00 a.m.

15 On December 2, 2016, AARP filed a Request to Add Courtesy Email.

16 On December 5, 2016, EFCA filed its Emergency Motion to Compel Production of Barbara
17 Lockwood Calendar in Advance of Lockwood Deposition.

18 On December 5, 2016, EFCA filed its Emergency Motion for Expedited Consideration
19 Regarding Emergency Motion to Compel Production of Barbara Lockwood Calendar in Advance of
20 Lockwood Deposition.

21 On December 5, 2016, EFCA filed its Personal Consultation Certificate.

22 On December 7, 2016, APS filed its Response in Opposition to EFCA's Motion to Compel.

23 On December 7, 2016, APS filed its Motion to Compel.

24 On December 7, 2016, Mr. Gayer filed his Direct Testimony.

25 On December 9, 2016, Coolidge filed a Consent to Email Service.

26 On December 12, 2016, EFCA filed its Reply in Support of Emergency Motion to Compel
27 Production of Barbara Lockwood Calendar in Advance of Lockwood Deposition.

28 On December 12, 2016, EFCA filed its Emergency Motion to Compel Production of Report

1 Regarding Rate Impact.

2 Numerous public comments have been filed.

3 EFCA's Motion to Compel Production of Barbara Lockwood Calendar in Advance of Lockwood
4 Deposition

5 This EFCA Motion requests a Procedural Order requiring APS to provide a complete copy of
6 Ms. Lockwood's calendar from May 2015 through the date of APS's data response. EFCA asserts that
7 having the calendar will help EFCA ask Ms. Lockwood about her prior conversations and presentations
8 on the subject of her prefiled Direct Testimony. EFCA argues that the calendar is relevant because a
9 portion of Ms. Lockwood's compensation is included in APS's proposed rate base, and the calendar is
10 relevant to scrutinize whether the inclusion was proper. EFCA also argues that having Ms. Lockwood's
11 calendar will help EFCA question Ms. Lockwood about prior relevant statements.

12 APS argues that EFCA does not need Ms. Lockwood's calendar to examine her about prior
13 statements, in that calendars note events, and not statements. APS objects to EFCA's request as
14 overbroad, because it does not request information about meetings related to topics on which Ms.
15 Lockwood will testify, and is not limited to the relevant timeframe, but instead requests every single
16 calendar entry over a period of 20 months. APS contends that EFCA's claim of the calendar's
17 relevance based on Ms. Lockwood's compensation is flawed, because Ms. Lockwood, as Vice
18 President of Regulation for APS, devotes essentially all her time to APS. APS argues that it was
19 improper for EFCA to wait until December 5, 2016 to file its Motion to Compel on an emergency basis,
20 because EFCA received APS's objections to production of Ms. Lockwood's calendar on October 18,
21 2016.

22 In its Reply, EFCA argues that having Ms. Lockwood's entire business calendar for the
23 requested 20 month period would allow EFCA to ask meeting-specific questions about her prior
24 statements. EFCA asserts that having the calendar in advance of the deposition will allow EFCA to
25 "ask better questions in less time," and that without it, EFCA "would have to waste valuable (and
26 limited) deposition time asking basic questions that written discovery could have covered."

27 EFCA has not demonstrated the relevance of Ms. Lockwood's calendar to the subject of her
28 pre-filed Direct Testimony. EFCA's request is overbroad, and EFCA has failed to demonstrate that

1 the request is reasonably calculated to obtain admissible evidence. EFCA's December 5, 2016 Motion
2 to Compel will therefore be denied. EFCA is not prohibited from seeking more specific discovery,
3 either through written discovery requests or through questioning at the scheduled deposition.

4 APS's December 7, 2016 Motion to Compel

5 This APS Motion to Compel requests the issuance of a Procedural Order requiring EFCA to
6 respond to APS Data Requests 1.1 to 1.4(b) and 1.5 to 1.7. EFCA has not filed a response. EFCA will
7 be directed to respond, and a Procedural Order will be issued after allowing five days for APS to file
8 any reply.

9 EFCA's Motion to Compel Production of Report Regarding Rate Impact ("Report")

10 This EFCA Motion requests the issuance of a Procedural Order requiring APS to deliver a copy
11 of the Report no later than December 13, 2015, so that EFCA may use it in its deposition of Ms.
12 Lockwood.

13 On December 13, 2016, EFCA contacted the Hearing Division and indicated that it would be
14 withdrawing this EFCA Motion.

15 Consents to Email Service

16 Patricia Ferré and Coolidge have each filed a Consent to Email Service in this docket, and sent
17 an email to the Hearing Division from their designated email addresses.

18 Because Ms. Ferré and Coolidge have now completed all of the steps for approval of Consent
19 to Email Service in this docket, it is appropriate at this time to approve Ms. Ferré's and Coolidge's
20 Consent to Email Service.

21 IT IS THEREFORE ORDERED that the Energy Freedom Coalition of America's Motion to
22 Compel Production of Barbara Lockwood's Calendar is denied.

23 IT IS FURTHER ORDERED that the Energy Freedom Coalition of America shall file, no later
24 than December 16, 2016, its Response to Arizona Public Service Company's December 7, 2016 Motion
25 to Compel.

26 IT IS FURTHER ORDERED that **Patricia Ferré's and the City of Coolidge's consents to**
27 **receive service of all filings** in this docket, including all filings by other parties (including Commission
28 Staff), all Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by

1 the Commission's Hearing Division, and all filings made by a Commissioner or the Commission's
2 Executive Director, **via email sent to Patricia Ferré's and the City of Coolidge's designated email**
3 **addresses** rather than via U.S. Mail, are hereby **approved**.

4 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
5 **Order Regarding Consent to Email Service** issued in this matter on **July 22, 2016**, for additional
6 information regarding the process to consent to service by email. Information regarding Consent to
7 Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email
8 Service Consent."

9 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
10 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
11 hearing.

12 DATED this 13th day of December, 2016.

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14 
15 TEENA J. BILIAN
16 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE
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On this 13th day of December, 2016, the foregoing document was filed with Docket Control as a Procedural Order - Denies a Miscellaneous Motion/Request, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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